

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

FRANK MOSLER, M.D.  
Certificate No. A-19694,

Respondent.

NO. D-2394

DECISION

The attached Stipulation is hereby adopted by the Division of Medical Quality of the Board of Medical Quality Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on April 12, 1982.

IT IS SO ORDERED March 12, 1982.

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE



MILLER MEDEARIS  
Secretary-Treasurer

1 GEORGE DEUKMEJIAN, Attorney General  
WILLIAM L. MARCUS

2 Deputy Attorney General  
3 3580 Wilshire Boulevard  
Los Angeles, California 90010  
Telephone: (213) 736-2074

4 Attorneys for Complainant

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8 BEFORE THE  
9 DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation )  
12 Against: ) NO. D-2394  
13 )  
FRANK MOSLER, M.D. ) STIPULATION  
13 13172 Courbet Lane ) FOR SETTLEMENT  
Granada Hills, California )  
14 )  
Physician's and Surgeon's )  
15 Certificate No. A-19694, )  
Respondent. )  
16 )  
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18 IT IS HEREBY STIPULATED by and between the parties  
19 to the above entitled accusation as follows:

20 1. There is presently pending before the Division of  
21 Medical Quality of the Board of Medical Quality Assurance  
22 (hereinafter the "division") an accusation number D-2394 against  
23 Frank Mosler, M.D. (hereinafter referred to as "the respondent").

24 2. Respondent is represented in this matter by  
25 Henry Lewin, Esq., and has counseled with Mr. Lewin regarding  
26 this stipulation for settlement.

27 /

1           3. Respondent is fully aware of the charges and  
2 allegations contained in said accusation number D-2394 on file  
3 with the division and respondent has been fully advised with  
4 regard to his rights in this matter.

5           4. Respondent is fully aware of his right to a hearing  
6 on the charges and allegations contained in said accusation, his  
7 rights to reconsideration, appeal, his rights to subpoena  
8 witnesses, his rights to confront and cross-examine witnesses  
9 against him, and any and all other rights which may be accorded to  
10 him pursuant to the California Administrative Procedure Act and  
11 the Code of Civil Procedure.

12           5. Respondent hereby freely and voluntarily waives his  
13 rights to a hearing, reconsideration, appeal, to subpoena  
14 witnesses, to confront and cross-examine witnesses against him,  
15 and any and all other rights which may be accorded to him by the  
16 California Administrative Procedure Act and the Code of Civil  
17 Procedure with regard to said accusation number D-2394 on file  
18 with the division.

19           6. At the time of filing accusation number D-2394,  
20 Robert G. Rowland was the executive director of the Board of  
21 Medical Quality Assurance and filed said accusation solely in his  
22 official capacity.

23           7. On or about July 1, 1961, Frank Mosler, M.D.  
24 was issued physician's and surgeon's certificate No. A-19694 by  
25 the board. Said certificate is currently in good standing.

26                               /  
27

1           8. Respondent admits the allegations of subparagraphs  
2 A and B of paragraph 7 of the accusation and admits that said  
3 conduct constituted unprofessional conduct pursuant to then  
4 section 2361.5 of the Business and Professions Code.

5           9. Pursuant to the foregoing stipulations, admissions  
6 and recitals, the division shall issue the following order:

7           Physician's and surgeon's certificate number A-19694,  
8 heretofore issued to respondent Frank Mosler, M.D., is  
9 hereby revoked. Said revocation shall be stayed and  
10 respondent shall be placed on probation for five (5)  
11 years on the following terms and conditions:

12           A. Respondent shall, during each year of  
13 probation, undertake 50 hours of approved  
14 Category I, Continuing Medical Education, in  
15 addition to the Continuing Medical Education  
16 Requirements for licensure.

17           B. Respondent shall obey all federal,  
18 state and local laws and all rules governing  
19 the practice of medicine in California.

20           C. Respondent shall submit quarterly  
21 declarations under penalty of perjury on forms  
22 provided by the division, stating whether there  
23 has been compliance with all the conditions of  
24 probation.

25           D. Respondent shall comply with the division's  
26 probation surveillance program.

27           /

1 E. Respondent shall appear in person for  
2 interviews with the division's medical consultant  
3 upon request at various intervals and with  
4 reasonable notice.

5 F. In the event respondent should leave  
6 California to reside or practice outside the  
7 state, respondent must notify the division in  
8 writing of the dates of departure and return.  
9 Periods of residence or practice outside  
10 California will not apply to the reduction of  
11 this probationary period.

12 G. If respondent violates probation in  
13 any respect, the division, after giving respondent  
14 notice and the opportunity to be heard, may set  
15 aside the stay order and impose the suspension  
16 of respondent's certificate.

17 H. Upon successful completion of probation,  
18 respondent's certificate will be fully restored.

19 10. Should the division, for any reason, fail to adopt  
20 the within stipulation it shall be of no force or effect as to  
21 any party.

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GEORGE DEUKMEJIAN  
Attorney General

Dated: October 2, 1981

By: William L. Marcus  
WILLIAM L. MARCUS  
Deputy Attorney General

Attorneys for Complainant

Dated: Dec. 15, 1981

Henry R. Lewin  
HENRY R. LEWIN, Esq.  
Attorney for Respondent

ACKNOWLEDGMENT

I understand the above stipulation and the effect it  
will have on my physician's and surgeon's certificate.

Dated: 12/8/81

Frank Mosler  
FRANK MOSLER, M.D.  
Respondent

VLM:mpe  
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4osler1-5

1 GEORGE DEUKMEJIAN, Attorney General  
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8 BEFORE THE DIVISION OF MEDICAL QUALITY  
9 BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation )  
Against: )

12 FRANK MOSLER, M.D. )  
13 13172 Courbet Lane )  
Granada Hills, California )  
14 Physician's and Surgeon's )  
Certificate No. A-19694, )

NO. D-2394

ACCUSATION

15 Respondent. )  
16 )

17 Complainant alleges that:

18 1. He is Robert G. Rowland, Executive Director of the  
19 Board of Medical Quality Assurance (hereinafter referred to as  
20 the "board") and makes and files this accusation solely in his  
21 official capacity.

22 2. On or about July 1, 1961, Frank Mosler, M.D.  
23 (hereinafter referred to as "respondent") was issued physician's  
24 and surgeon's certificate number A-19694 by the board. Said  
25 certificate is currently in good standing.

26 3. Sections 2360 and 2372 of the Business and  
27 Professions Code (hereinafter referred to as the "code") provide

1 that every certificate issued by the board may be disciplined.  
2 Section 2361 of the code provides that the Division of Medical  
3 Quality, a division of the board, shall take action against any  
4 holder of a certificate who is guilty of unprofessional conduct.

5 4. Section 2361, subdivisions (b) and (d) provide,  
6 respectively, that gross negligence and incompetence each  
7 constitutes unprofessional conduct.

8 5. Respondent is subject to disciplinary action by  
9 authority of sections 2360, 2361, and 2372 of the code because  
10 respondent has been guilty of gross negligence and incompetence  
11 within the meaning of subdivisions (b) and (d) of section 2361 of  
12 the code as follows:

13 A. On or about October 4, 1973, patient Ann  
14 Roberts was first seen by Dr. Carl Lund at the  
15 Harold Harper Metabology and Nutrition Group, at  
16 9201 Sunset Boulevard in Los Angeles. Roberts  
17 complained of brittle nails, moist palms,  
18 headaches, nervous and emotional upsets,  
19 dizziness, frequent urination, blood pressure  
20 abnormalities, loose bowel movements, eating  
21 frequently and a feeling of inward trembling.  
22 Roberts had also experienced weight gain.

23 B. Laboratory tests done on or about  
24 October 4, 1973, showed normal results for a  
25 complete blood count, including evaluation for  
26 anemia, sodium, liver function, triglycerides and  
27 glucose. Uric acid was 6.5, which Dr. Lund



1       interpreted as above normal. Blood urea nitrogen  
2       was elevated and thyroid testing included a  
3       protein-bound iodine of 5.4, T3 of 13.7 and T4 of  
4       4.4.

5             C. Dr. Lund interpreted the PBI as below  
6       normal and prescribed 6 grains of thyroid per day,  
7       along with vitamins and medication for blood  
8       pressure and gout.

9             D. Dr. Lund continued to treat Roberts until  
10       on or about March 19, 1975, when he retired.

11            E. Respondent then assumed the treatment of  
12       Roberts, continuing the prescribing of 6 grains of  
13       thyroid per day, until approximately December  
14       1975.

15            F. Roberts complained to respondent, in  
16       April 1975, and thereafter, of increasing shaking  
17       and nervousness and swelling of the eyelids.  
18       Respondent attributed the shaking and nervousness  
19       to hypoglycemia and the swollen eyelids to  
20       allergies. Respondent did not retest Roberts for  
21       thyroid function until September 30, 1975, at  
22       Roberts' request. No thyroid tests were performed  
23       between approximately October 4, 1973, and  
24       September 30, 1975.

25            G. The thyroid testing of September 30,  
26       1975, showed a protein-bound iodine of 10.6, a T3  
27       of 15.6 and a T4 of 11.0. Respondent informed

1 Roberts that her thyroid tests revealed normal  
2 functions.

3 H. Subsequently, Roberts' condition worsened  
4 and Roberts was found to be hyperthyroid and to  
5 have Graves Disease, which can be caused by  
6 excessive thyroid syndrome as well as  
7 thyrotoxicosis.

8 I. Respondent was grossly negligent in his  
9 treatment of Roberts in that: (1) he failed to do  
10 a repeat history, physical examination and  
11 laboratory panel, including thyroid tests, despite  
12 Roberts' reporting the symptoms described  
13 hereinabove to respondent, as well as persistent  
14 reporting by Roberts of symptoms typical of  
15 hyperthyroidism; (2) he continued to prescribe  
16 medication for a hypothyroid condition, without  
17 the repeat history, examination and testing  
18 described above; and, (3) he persistently failed  
19 to record Roberts' ongoing symptomatic complaints.

20 J. Respondent was further grossly negligent  
21 and guilty of incompetence in that he failed,  
22 despite thyroid tests on September 30, 1975, which  
23 were abnormally high, and despite Roberts'  
24 original normal test results, to discontinue  
25 Roberts' thyroid medication, at least long enough  
26 to retest Roberts' thyroid condition.

27 /

6. Section 2361.5 of the code provided, at all times pertinent herein, that clearly excessive prescribing or administering of drugs or treatment which is detrimental to the patient as determined by the customary practice and standards of the local community of licensees is unprofessional conduct.\*

7. Respondent is subject to disciplinary action by authority of sections 2360, 2361, and 2372 of the code because respondent has violated section 2361.5 of the code as follows:

A. Paragraph 5A through 5F, inclusive, is incorporated by reference as though fully set forth at this point.

B. Respondent's prescribing thyroid medication to Roberts between March 1975 and December 1975 constituted clearly excessive prescribing as determined by the standard of the local community of licensees.

C. Respondent's conduct was detrimental to Roberts in that he prescribed thyroid medication to a patient who exhibited evidence of hyperthyroidism and thus caused, contributed to, and/or aggravated Roberts' hyperthyroid condition and caused and/or contributed to the Grave's Disease with which Roberts was later afflicted.

WHEREFORE, complainant prays that a hearing be held on the matters alleged hereinabove and that following said hearing the division issue a decision:

\*Section 2361.5 was repealed effective January 1, 1978, and replaced by section 700 of the code which provides, in pertinent part, that repeated acts of clearly excessive prescribing as determined by the standard of the local community of licensees is unprofessional conduct for a physician and surgeon.

1           1. Revoking or suspending physician's and surgeon's  
2 certificate number A-19694 heretofore issued to  
3 Dr. Frank Mosler by the board; and

4           2. Taking such other and further relief as the  
5 division may deem proper.

6           DATED: August 30, 1979.

7 

8 ROBERT G. ROWLAND  
9 Executive Director  
10 Board of Medical Quality Assurance  
11 State of California

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